

**RULES/AGENCY RULES COMMITTEE**

Meeting Report  
December 7, 2005

**PRESENT:** Chair Chavez, Members Chirco and Williams.

**ABSENT:** Member Campos (excused).

**STAFF:** City Attorney Rick Doyle, Assistant City Clerk Nancy Alford, Mayor's Deputy Chief of Staff Jennifer Malutta, Assistant to the City Manager Deanna Santana, Sr. Executive Analyst Nadine Nader and Redevelopment Agency Liaison Gary Miskimon.

Chair Chavez called the meeting to order at 2:06 p.m.

**A. Redevelopment Agency**

**1. Review of the December 20, 2005 Draft Agenda**  
MEETING CANCELLED – HOLIDAY CLOSURE

**2. Add New Items to December 13, 2005 Agenda**  
The Committee recommended approval of the December 13, 2005 Redevelopment Agency agenda with the following additions:

**a. Redevelopment Board Requests**

- There were none.

**b. Executive Director Requests**

- Approval of the second amendment to the agreement with Ellipsis, LLC, in the amount of \$25,775 for a total contract amount not to exceed \$291,445, revising the scope and extending the term of the agreement through December 31, 2006, for continued architecture, bidding and construction administration services for the Guadalupe River Park and Gardens, Heritage Plaza site. CEQA: Exempt [MERGED]

- Approval of an agreement with CityYear San Jose/Silicon Valley, in an amount not to exceed \$180,000, to provide CityYear teams to conduct community-organizing services in the Strong Neighborhoods Initiative Redevelopment Project areas. CEQA: Exempt, PP05-144 [SNI]
- Third Amendment to Agreement with Invesmart, Inc.:
  - a. Approval of the third amendment to the agreement with Invesmart, Inc., extending the term for six months through June 30, 2006, at no additional cost to the Agency for plan administrative services for the Agency's Retirement and Deferred Compensation Plans; and,
  - b. Approval of the third amendment to the agreement with Invesmart Advisors, Inc., extending the term for six months through June 30, 2006, at no additional cost to the Agency for investment advisory services.
- San Jose State University Public Art Project:
  - a. Approving a new project line of San Jose State University Public Art Project in the Merged Redevelopment area for \$40,000 to the Fiscal Year 2005-2006 Adopted Capital Budget; and,
  - b. Amending the FY 2005-2006 Agency appropriations resolution.
- Adoption of a resolution authorizing the Executive Director to award a construction contract, in a total amount not to exceed \$100,000 including a 10% contingency, for the demolition of the Starbird Teen Center building, located at 1050 Boynton Avenue. CEQA: Exempt, File No. PP05-049 [BLACKFORD SNI]
- Adoption of a resolution (i) authorizing the Executive Director to terminate a Disposition and Development Agreement with 8 East, LLC, if necessary, for Agency-owned property on San Fernando Street, between First and Second Streets (Block 2), and (ii) subject to termination of the DDA, authorizing the Executive Director to negotiate and execute an Exclusive Negotiations Agreement with The Living Tomorrow Future Forum, VZW, for a 180-day term, with an option to extend for an additional 60-day period, for the proposed development of Block 2. [SAN ANTONIO PLAZA]

- Adoption of a resolution authorizing the Executive Director to negotiate and execute an amendment to the lease with Brian Eder and Cherri Lakey, individuals dba Two Fish Design Group, for the Agency-owned building at 366 South First Street, to allow the Agency to construct certain building improvements. CEQA: Exempt; PP05-090 [MARKET-GATEWAY]

**c. RDA Counsel Requests**

- There were none.

**3. Staff Reports Outstanding**

Documents Filed: Report from the Redevelopment Agency Council Liaison Gary Miskimon dated December 7, 2005, listing no staff reports outstanding for the December 13, 2005 Redevelopment Agency Meeting.

Discussion/Action: The Committee noted and filed the Redevelopment Agency Liaison's report.

**B. City Council**

**1. Review of the December 20, 2005 Draft Agenda**  
MEETING CANCELLED – HOLIDAY CLOSURE

**2. Add New Items to the December 13, 2005 Agenda**

The Committee recommended the following additions to the December 13, 2005 City Council Agenda:

**a. Mayor and Councilmember Requests**

- Presentation of a commendation to Lynux Works for its important contributions to the San José economy. (Mayor/Williams)
- Presentation of a commendation to Clinimetrix for its important contributions to the San José economy. (Mayor/Williams)
- Presentation of a commendation to MAI Industries for its important contributions to the San José economy. (Mayor/Reed)
- Presentation of a commendation to Leslie A. Yeffa in recognition for his 41 years of distinguished service on the occasion of his retirement as Administrative Secretary of the Kiwanis International Downtown San José Club. (Yeager)

- Presentation of a commendation to Louie Mendoza for his many years of hard work, dedication, and commitment in serving as President of Senter Road Creekside Neighborhood Association. (Nguyen)
- Presentation of a commendation to Viet Mercury News for their five years of providing news and inspirational stories to the Vietnamese Community of Silicon Valley. (Nguyen)
- Presentation of a commendation to the Baker Family for 50 years of relentless efforts in working with the City of San José to make improvements to Towers Lane, which was completed in November 2005. (Nguyen)
- Approval of actions related to Hurricane relief efforts.
  - (a) Approval to deploy City staff to Hattiesburg, Mississippi to assist in hurricane relief efforts.
  - (b) Adoption of the following 2005-2006 appropriation ordinance amendments in the General Fund:
    - (1) Reduce the Santa Clara Valley Red Cross Hurricane Katrina Relief appropriation in Citywide by \$500,000.
    - (2) Establish an appropriation in Citywide to the City Manager for Hurricane Relief Efforts in the amount of \$500,000. (Mayor/City Manager's Office)
- Approval of the Redevelopment Agency and City Council Standing Committee and Board and Commission appointments. (Mayor)

The Committee directed Administration Staff to review all the ceremonial presentations to see if any can be presented at a January 2006 Council Meeting in anticipation of the lengthy meeting on December 13, 2005.

The following item from Vice Mayor Chavez and Council Members LeZotte and Yeager, was added to the December 13, 2005 City Council Meeting in response to the Initial Report of the Independent Investigator following the actions as it relates to the conduct of the Mayor, a senior member of his staff, and Council Appointees relating to the Norcal negotiations and subsequent contract amendment:

1. Censure the Mayor;
2. Admonish Joe Guerra, the Director of Policy and Budget for the Mayor, and recommend the Mayor's Office take appropriate disciplinary actions; and

3. Request public apologies from Del Borgsdorf, City Manager and Rick Doyle, City Attorney, for their actions relating to the Norcal negotiations.

As it relates to the consideration of the Initial Report of the Independent Investigator, recommend that the Council:

1. Accept the investigation;
2. Direct Staff to prepare a cover letter or other appropriate documentation and forward the report as our formal response to the Grand Jury investigation;
3. Direct Staff to waive confidentiality of the documents utilized in the creation of the Initial Report; and
4. Direct Staff to incorporate training on the City Charter and other appropriate city policies in an effort to prevent future violations such as those outlined in the initial report.

**b. City Manager Requests**

- Approval of fiscal actions for Redevelopment Agency Capital Projects related to the Grand Prix. (City Manager)
- Approval of actions related to the Tour of California Bicycle Race. (Economic Development)
- Approval of processing fees for the temporary pilot second unit program. (Planning, Building & Code Enforcement)
- Approval of an agreement with the San José Police Officers' Association. (City Manager)
- Approval of an agreement with the International Association of Fire Fighters, Local 230. (City Manager)
- Approval of one appointment to the Evergreen\*East Hills Vision Strategy Task Force. (Planning, Building & Code Enforcement)
- Presentation of information related to SBC's permit request. (Public Works/Information Technology/City Manager)

- Acceptance of an update on the San José Earthquakes Professional Major League Soccer Team. (Economic Development)
- Direction to staff to prepare an ordinance amending Title 20 to further define the office use in the Industrial Park IP Zoning District. (Planning, Building & Code Enforcement)

**c. City Attorney Requests**

- Adoption of a resolution resolving disputes regarding rates for equipment that may be charged by Comcast of California II, LLC. (City Attorney)

**d. City Clerks Requests**

- There were none.

**3. Staff Reports Outstanding**

Documents Filed: Report from the City Manager's Office dated December 7, 2005, listing eight (8) staff reports outstanding for the December 13, 2005 City Council Meeting.

Discussion/Action: The Committee noted and filed the City Manager's Report.

**C. Legislative Update**

**1. State**

There was no report.

**2. Federal**

There was no report.

**D. Meeting Schedules**

There were none.

**E. Public Record**

Documents Filed: Memorandum from the City Clerk dated December 1, 2005, transmitting items filed for the Public Record for the period November 23-29, 2005.

Discussion/Action: The Committee noted and filed the Public Record.

**F. Appointments to Boards, Commissions and Committees**

There were none.

**G. Rules Committee Reviews, Recommendations and Approvals**

**1. Cellular Communication Coverage at City Hall Work Load Assessment**

Documents Filed: Memorandum from John D. Bjurman, Chief Information Officer, dated November 29, 2005, regarding Cellular Reinforcement [Rules Committee Referral, 10-05-05G(2)].

Discussion/Action: The Committee deferred this item for one week to the December 14, 2005 Rules Committee Meeting.

**H. Open Forum**

Bill Chew - Discussed the City's emergency preparedness. He is concerned that there has been no discussion about involvement of Neighborhood Associations in disaster response planning.

**I. Adjournment**

The meeting adjourned at 2:28 p.m.

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Cindy Chavez, Chair  
Rules/Agency Rules Committee